

**S/N 09/766,723**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hoke, et al Examiner: Sean Everett Conley  
Serial No.: 09/766,723 Group Art Unit: 1797  
Filed: January 22, 2001 Docket: 3912E(DIV)/ENG0019-00DV  
Title: Method and Apparatus for Treating the Atmosphere  
Confirmation No. 2047

**COMMUNICATION RE: NOTICE OF APPEAL FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This communication is regarding the fee for the attached Notice of Appeal submitted herewith (dated February 23, 2009).

This is the second Notice of Appeal filed in this application. A first Notice of Appeal, dated December 6, 2006, was filed with the appropriate fee under 37 CFR §41.20. The Board did not issue a final decision on the first Notice of Appeal, dated December 6, 2006. Based on the Examiner's statement on page 2 of the Final-Office Action issued on December 10, 2008, Applicant requests that the fee submitted with the first Notice of Appeal, dated December 6, 2006, be applied to the attached Notice of Appeal.

Please charge the difference between the fee submitted with the first Notice of Appeal, dated December 6, 2006, and the current fee for submitting a Notice of Appeal under 37 CFR §41.20 and any additional fees due to Deposit Account 05-1070.

Respectfully submitted,

DIEHL SERVILLA LLC  
77 Brant Avenue  
Clark, NJ 07066  
732 815 0404

Date: February 23, 2009

By: /Payal Patel, Reg. #60672/  
Payal A. Patel  
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